

Title 10

VEHICLES AND TRAFFIC

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Chapter 10.20

WATER SAFETY AND VESSEL OPERATION

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Article I. General Instructions

10.20.010 Applicability.

(1) The provisions of this title shall be applicable to all vessels which are operated within the geographical jurisdiction of Lewis County.

(2) This chapter shall be construed to supplement the laws of the United States and the laws of Washington when not expressly inconsistent therewith. LCC 10.20.060, 10.20.070, 10.20.080 (1)(a), 10.20.100 , 10.20.110 and 10.20.240 are inapplicable to those lakes or ponds in Lewis County that do not have access by a public road and that are wholly owned by a single ownership where the owner is a natural person or marital community. [Ord. 1157, 1998; Ord. 1115 § 1, 1991]

10.20.020 Rules of the road, and vessel operation and equipment regulations.

Except as herein otherwise specified, vessels shall be subject to the “Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and the Coast of the Gulf of Mexico”, promulgated by the United States Coast Guard, pursuant to Act of Congress, and all vessel operation and equipment regulations under Title 88 RCW

and Ch.s 352-60 & -70 WAC, as such rules are now or may hereafter from time to time be adopted or amended, and be it further provided that sailing vessels or other vessels, while engaged in a sanctioned or authorized race, predicted log race, regatta or similar event, shall be subject to the applicable rules for such event including, but not limited to, differing right-of-way rules. [Ord. 1157, 1998; Ord. 1115 § 2, 1991]

10.20.030 Definitions.

As used in this title, unless the context of subject matter clearly required otherwise, the following words or phrases shall have the meanings and definitions as set forth in the above-noted statutes and regulations; EXCEPT, "Waters of Lewis County" means all unincorporated water within the geographical boundaries of the county. [Ord. 1157, 1998; Ord. 1115 § 3, 1991]

10.20.040 Authority.

(1) The county of Lewis in the exercise of its police powers, assumes control and jurisdiction over all lakes, rivers, and all water within unincorporated areas inside its geographical boundaries.

(2) The Lewis County sheriff's office is hereby given the authority to board any vessel operating in the waters of Lewis County for the purpose of inspection and enforcement of the ordinances and laws of the state of Washington. [Ord. 1157, 1998; Ord. 1115 § 10, 1991]

Article II. Operation Regulations

10.20.050 Speed and manner of operation.

(1) A vessel shall be operated in a careful and prudent manner and at a speed no greater than is reasonable and proper under the conditions at the time and place of operation, taking into account the amount and character of traffic, size of the waters,

freedom from obstruction to view ahead, and so as not to unreasonably endanger person or property or other rights of any person entitled to the use of such waters.

(2) The operator of any vessel shall be responsible for his wake and any damage or injuries caused by a wake from his or her boat. [Ord. 1157, 1998; Ord. 1115 § 11, 1991]

10.20.060 Speed limits.

It shall be unlawful to operate a vessel at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead; provided, however, it shall be unlawful to operate vessel in excess of eight mph or at a speed which produces a damaging wake, within 200 feet of any shore, dock, or public swimming area, or within 100 feet of any other vessel or swimmers; provided, further that it shall be unlawful to operate vessels in excess of eight mph one hour after sunset until one hour before sunrise. [Ord. 1157, 1998; Ord. 1115 § 12, 1991]

10.20.070 Taking off and landing of water skiers.

For vessels engaged in taking off and landing water skiers, the following shall apply in place of LCC 10.20.060:

(1) Taking off shall be done perpendicular or as near to perpendicular to shore, dock, or other launching facilities, whichever shall permit the vessel and skier, if any, safe passage to open water; provided that at no time shall the taking-off angle be less than a 45-degree angle to shore, dock, or launching facility.

(2) Landing of vessels and skiers shall be done at not less than a 45-degree angle to the shore, dock, or other landing facilities.

(3) At no time shall taking off or landing of a water skier give the towing vessel special privileges over any other vessel, under the rules of the road, and at no time

shall such acts of skiing cause undue risk to persons or property. [Ord. 1157, 1998; Ord. 1115 § 13, 1991]

10.20.080 Operation of vessel in a reckless manner.

(1) It shall be unlawful to operate any vessel in a reckless manner upon any waters within Lewis County. For the purpose of this article, “to operate in a reckless manner” means the operation of a vessel upon waters within Lewis County in such a manner as to endanger or be likely to endanger any persons or properties. Actions that constitute prima facie evidence of reckless operation are:

(a) Operating within 100 feet of shore unless taking off or landing as provided for in LCC 10.20.070;

(b) Loading vessel beyond safe operating ability;

(c) Excessive speeds in violation of LCC 10.20.050 or 10.20.060;

(d) Unsafe water skiing practices;

(e) Operating in clearly dangerous areas;

(f) Operating without proper navigation lights at night;

(g) Bow, seat back, gunwale or transom riding when operating in excess of eight miles an hour unless seating is specifically designed for that location;

(h) Continued use or refusal to terminate use of boat after being ordered to correct an especially hazardous condition by a law enforcement officer. [Ord. 1157, 1998; Ord. 1115 § 14, 1991]

10.20.090 Hazardous conditions.

(1) If a law enforcement officer observes any unsafe condition and determines that an “especially hazardous condition” exists, he may direct the operator to take immediate steps to correct the condition, including returning and mooring.

(2) Unsafe conditions or hazardous conditions shall include but not be limited to the following:

(a) Insufficient lifesaving devices (PFD);

(b) Insufficient firefighting devices;

(c) Loading vessel beyond safe operating ability;

(d) Improper navigation light display;

(e) Fuel leakage;

(f) Fuel in bilges;

(g) Improper ventilation;

(h) Improper backfire flame control. [Ord. 1157, 1998; Ord. 1115 § 15, 1991]

10.20.100 Designated areas.

It shall be unlawful to operate a vessel within 100 feet of any shoreline or public or private bathing or swimming area, which is marked by buoys or some other distinguishing device. [Ord. 1157, 1998; Ord. 1115 § 16, 1991]

10.20.110 Direction of travel.

Except as provided for in LCC 10.20.070, all vessels shall keep the closest shore on the operator's starboard or right-hand side at all times. [Ord. 1157, 1998; Ord. 1115 § 17, 1991]

10.20.120 Water skiers.

It shall be unlawful to operate a vessel towing a person on water skis, aqua plane or surfboard, inner tube or other similar device unless the following conditions are strictly followed:

(1) Said vessel shall be manned by a competent operator (meeting the qualifications contained in LCC 10.20.150) who must be attentive to the duties of operating a vessel;

(2) Said vessel shall be manned by competent skier/observer who must be facing the skier at all times. The observer must be at least 10 years of age. The observer and operator shall not be the same

person. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange in color, measuring 12 inches on each side, mounted on a handle not less than 24 inches long and displayed as to be visible from every direction;

(3) Except for continuous display of a flag, as described above, the provisions of subsection (2) above shall not apply in the case of a vessel that is so constructed as to be unable to carry the operator or any other person in or on the same and is actually operated by the person or persons being towed and is equipped with an automatic engine shut-off device which will cause the engine to stop instantly when the skier is disengaged from the control handles of said vessel;

(4) It shall be unlawful to water ski from one hour after sunset to one hour prior to sunrise;

(5) No person shall engage or attempt to engage in water skiing without wearing an adequate and effective personal flotation device. The personal flotation device must be in good and serviceable condition and of an appropriate size or a wet suit specifically designed by a manufacturer for that purpose and capable of floating the water skier;

(6) No vessel shall follow behind a vessel towing a person on water skis closer than 300 feet or cross to the bow of a towing boat closer than 200 feet or pass alongside a towing boat closer than 100 feet. A vessel towing a skier is not a privileged boat and must conform to the rules of the road. It shall be unlawful to engage in the act of water skiing within 200 feet in front of any dock used for fueling any vessel or within 200 feet of any dock or designated swimming area at a public park or private designated swimming area. This chapter

shall apply to the taking off and landing of a water skier in any of the above designated areas. [Ord. 1157, 1998; Ord. 1115 § 18, 1991]

10.20.130 Personal watercraft operation.

(1) No person shall operate a personal watercraft on the waters of Lewis County during the period from one hour after sunset to one hour prior to sunrise. [Ord. 1157, 1998; Ord. 1115 § 19, 1991]

10.20.140 Testing.

(1) A helmet and a racing flotation jacket must be worn by the driver, and by the mechanic if the craft is designed to carry a mechanic. Testing may be done on specific waters at specific times only.

(2) Vessels testing under the provisions specified herein shall maintain a distance of 400 feet from the shore or another vessel while speed is in excess of eight mph. A vessel testing for a race must follow the rules of the road and general rules herein.

(3) No unauthorized person shall operate a vessel or swim, or skin dive, within a testing course during permitted testing operations while an authorized vessel is in the testing course. [Ord. 1157, 1998; Ord. 1115 § 21, 1991]

10.20.150 Legal age of operation for other than personal watercraft.

(1) For other than personal watercraft, which requires an operator of 14 or more years of age, it shall be unlawful for any person 13 or less years of age to operate any vessel powered by a motor or motors, except that a person 13 or less years of age can operate any vessel powered by a motor or motors generating a total 10 or less horsepower when that person can demonstrate the ability to safely operate such any vessel and is under the supervision of a responsible adult.

(2) It shall be unlawful for any person 15 or less years of age to operate a any vessel powered by a motor or motors generating a total horsepower in excess of 10 horsepower. [Ord. 1157, 1998; Ord. 1115 § 22, 1991]

10.20.160 Obstructions.

(1) When any sunken or drifting and unattended vessels or objects obstruct, or create a hazard to the operation of vessels on the waters of Lewis County, the Lewis County sheriff shall order the owner or person in charge thereof to remove or restrain the said vessel or object.

(2) Upon failure of such person to do so, or inability of the sheriff to determine the ownership of the vessel or object, the sheriff may take custody of the vessel or object and may take such reasonable steps as are needed to clear the waters of the obstruction or hazard. Expenses reasonably incurred by the sheriff in removing and relocating a vessel or other object shall be recovered from the owner thereof as a condition precedent to restoring the vessel or object to the owner. [Ord. 1157, 1998; Ord. 1115 § 23, 1991]

10.20.170 Prohibited operations.

(1) It shall be unlawful for the owner of any vessel or any person having such, in charge or in control, to authorize or knowingly permit the same to be operated by a person who, by reason of physical or mental disability is incapable of operating such vessel or watercraft under the prevailing circumstances. [Ord. 1157, 1998; Ord. 1115 § 24, 1991]

10.20.180 Boating accident and casualty; duty of operator and reporting.

The operator of any vessel involved in any injury or death to any person, or in damage to property, shall immediately stop such vessel at the scene of such accident and

shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the incident, and shall otherwise fully comply with the accident reporting provisions of RCW 88.12.155 thru -.175, and Ch. 352-70 WAC. [Ord. 1157, 1998; Ord. 1115 § 25, 1991]

10.20.190 Skin diving.

(1) Recreational skin diving shall be prohibited within 300 feet of an active public boat ramp, or that area generally used and recognized as the entry or exit to any regularly established marina, yacht club, or boat house; provided that in the event skin or scuba divers are engaged in an aquatic event, then said restriction shall not apply for the duration of said aquatic event; provided further, skin diving shall be prohibited unless the diver shall be accompanied by a vessel displaying a diver's flag, or the area in which he is diving shall be marked by an adequately displayed diver's flag.

(2) It shall be illegal for the vessel to approach closer than 300 feet of any diver's flag raised from a vessel or float without reducing their speed to five miles per hour. [Ord. 1157, 1998; Ord. 1115 § 28, 1991]

10.20.200 Posting of regulations.

(1) The director of the Lewis County parks and recreation department shall cause to be posted at all public boat accesses within county parks a copy or reproduction of any special rules enacted by this chapter for a specific lake or section of river.

(2) Owner or proprietors of designated boat access points to waters of Lewis County shall cause to be posted within 25 feet of the ramp a copy or reproduction of any special rules enacted by this chapter for a specific lake or section of river. [Ord. 1157, 1998; Ord. 1115 § 29, 1991]

10.20.210 Swimming.

(1) Swimming shall be confined to:

(a) Restricted swimming areas;

(b) Within a distance of 100 feet from shore unless the swimmer is accompanied by a vessel.

(2) All bathers and swimmers shall confine air mattresses, inner tubes, and other similar devices to within 100 feet of shore unless accompanied by a vessel.

(3) All vessel accompanying swimmers beyond 100 feet from shore shall have a personal flotation device on board for each swimmer in addition to each person on board. [Ord. 1157, 1998; Ord. 1115 § 30, 1991]

10.20.220 Unsafe piers.

Whenever any pier or gangway devoted to passenger traffic shall be damaged or appears to the sheriff to become unsafe, such pier or gangway shall be ordered barricaded with proper fencing until such time as necessary repairs shall be made, and if the owner, agent, or lessee of such pier shall fail to comply with such order, the sheriff shall prohibit the use of unsafe portion of such pier or gangway and may erect the necessary repairs, and the expenses thereof shall be paid and recoverable from the owner, agent, or lessee to the county and it shall be unlawful for any person to allow such pier or gangway to be used or open to use. [Ord. 1157, 1998; Ord. 1115 § 31, 1991]

Article III. Public Swimming and Event Regulations

10.20.230 Safety devices.

Every owner, agent, or lessee having charge of any commercial or public swimming area shall furnish and keep for use on such pier at least one serviceable 30-inch life buoy for every 300 lineal feet of berthing space. Attached to said life buoy shall be at least 200 feet of suitable line.

Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for the use of the public in case of accident. Said box shall be labeled and be, at all times, kept clear of obstructions. It shall be unlawful to take away, molest, injure, or destroy said buoy or box, or to disturb the same, except for use in saving life and property. [Ord. 1157, 1998; Ord. 1115 § 32, 1991]

10.20.240 Regattas, races or aquatic events.

(1) Definition. "Regatta" or "race" or "aquatic event" means an organized water event of limited duration which is conducted according to a prearranged schedule.

(2) Submission of Application. An individual or organization planning to hold a regatta, race, or aquatic event which, by its nature, circumstances or location, may introduce extra or unusual hazards to the safety of life on the waters of Lewis County, shall submit an application to the Lewis County sheriff's office and the Lewis County parks and recreation department for approval of application, which shall be sent to the county commissioners for permission to hold such an event. The application shall be submitted no less than 90 days prior to the start of said event. [Ord. 1157, 1998; Ord. 1115 § 33, 1991]

10.20.250 Aiding and abetting violation.

It is unlawful to counsel, aid or abet the violation of, or failure to comply with, any provisions of this chapter. [Ord. 1157, 1998; Ord. 1115 § 34, 1991]

10.20.260 Restricted areas.

(1) Emergency Restrictions. In emergency short-term situations the sheriff, in the interest of safe navigation, life safety, and the protection of property, may designate restricted areas. No person shall operate a vessel within a restricted area;

provided, that this section shall not apply to vessels engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in the case of an emergency. Any permanent restricted area shall be identified in LCC 10.20.460 through 10.20.500.

(2) Schools and Training Courses.

(a) The board may issue permits to establish restricted areas in any lake where a waiver of any provision of this chapter is required to permit safe operation of boating, water skiing, sailing, swimming, diving or related schools or training courses;

(b) Such permits may be issued after hearing to establish the hazards necessary to address: types of signs, warning devices, hours of operation and location of operation with due regard to other appropriate uses of the lake;

(c) Notice of any such hearing shall be published once not less than 10 days prior to the hearing;

(d) Application for any such permit shall be submitted to the parks and recreation department of Lewis County. Any such application shall be completed by the person or firm responsible for the proposed activity and shall identify the exact site of the proposed use on a map of sufficient scale and detail as to clearly identify all courses, proposed markers and warning devices. The site plan, when approved, shall be binding upon the permit-holder;

(e) The application shall be accompanied by a fee of \$35.00 to partially defray the costs of processing;

(f) A copy of each application shall be submitted to the Lewis County sheriff for his review and delivery of a report and recommendations at or prior to the time set for hearing;

(g) The county commissioners shall consider the matter at public hearing and may grant, modify or deny the permit. They may, as a condition of approval, require the permit holder to acquire and maintain in

force a policy of insurance to provide coverage for liability bearing such limits as are commensurate with the hazards presented;

(h) It shall be unlawful for any person to operate any school or training course requiring a restricted area without a permit or in any manner contrary to the terms of any such permit. [Ord. 1157, 1998; Ord. 1115 § 35, 1991]

10.20.270 Marker buoys.

(1) Marker buoys, approved by the Lewis County sheriff or Lewis County parks and recreation department, may be placed indicating the area of waters of Lewis County within which it shall be unlawful to operate a vessel in excess of the speed limits provided in LCC 10.20.060.

(2) The Lewis County sheriff, the Lewis County parks and recreation department, or persons authorized by the county may place, move, remove, or replace marker buoys when deemed necessary. It shall be unlawful for any unauthorized person to deliberately damage, move, or remove any marker buoy or distinguishing device. [Ord. 1157, 1998; Ord. 1115 § 36, 1991]

Article IV. Penalties

10.20.280 Penalties.

(1) It shall be unlawful for any person(s) to violate the following subsections (2), (3), and (4) and any said violation, except as otherwise provided for under Federal law, and Title 88 RCW and Ch.s 352-60 & -70 WAC of the State of Washington, shall constitute an infraction. Enforcement of the provisions of this chapter shall be in the same manner and by use of the same forms as for traffic violations, and in accordance with the bail schedule set forth below in subsections (2), (3), and (4) of this section.

(2) Forfeiture of bail in the amount of \$50.00 shall constitute a final disposition of the following violations:

(a) LCC 10.20.020, Rules of the road (excepting vessel operation and equipment regulations otherwise noted hereunder);

(b) LCC 10.20.060, Speed limits;

(c) LCC 10.20.070, Taking off and landing of water skiers;

(d) LCC 10.20.110, Direction of travel;

(e) LCC 10.20.120, Water skiers;

(f) LCC 10.20.130 & -.020 Personal watercraft operation;

(g) LCC 10.20.020, Muffler or Exhaust and racing exception;

(h) LCC 10.20.150, Legal age of operation for other than personal watercraft;

(i) LCC 10.20.200, Posting of regulations;

(j) LCC 10.20.210, Swimming;

(k) LCC 10.20.020, Navigation Lights (excepting blue, law enforcement lights);

(l) LCC 10.20.020, Sound producing devices.

(3) Forfeiture of bail in the amount of \$75.00 shall constitute a final disposition of the following cases:

(a) LCC 10.20.100, Designated areas;

(b) LCC 10.20.160, Obstructions;

(c) LCC 10.20.020, Powering vessel beyond safe operating ability;

(d) LCC 10.20.190, Skin diving;

(e) LCC 10.20.240, Regattas, races or aquatic events;

(f) LCC 10.20.250, Aiding and abetting violation;

(g) LCC 10.20.260, Restricted areas.

(4) Forfeiture of bail in the amount of \$100.00 shall constitute a final disposition of the following cases:

(a) LCC 10.20.150, Hazardous conditions;

(b) LCC 10.20.140, Testing;

(c) LCC 10.20.020, Loading vessel beyond safe operating ability;

(d) LCC 10.20.220, Unsafe piers;

(e) LCC 10.20.230, Safety Devices;

(f) LCC 10.20.020, Fire extinguisher requirements;

(g) LCC 10.20.020, Personal flotation devices;

(h) LCC 10.20.020, Ventilation;

(i) LCC 10.20.020, Backfire flame control (flame arrester);

(j) LCC 10.20.020, Vessel registration.

(5) It shall be unlawful for any person(s) to violate subsection (6) of this section and any said violation shall be subject to the applicable penalties imposed by Title 88 RCW and Ch.s 352-60 & -70 WAC of the State of Washington, or, if not so specified, subject to the penalties in LCC 1.20.020 and LCC 1.20.040. Enforcement of the provisions of this chapter shall be in the same manner and by use of the same forms as for traffic violations, and in accordance with the bail schedule set forth below in subsection (6) of this section.

(6) Forfeiture of bail shall not constitute final disposition in the following cases without a special order of the court showing reasons therefor. Such order may be a simple docket entry. Court appearance in the following cases is mandatory:

(a) LCC 10.20.020, Navigation lights - blue, law enforcement lights;

(b) LCC 10.20.080 & -.020, Operation of vessel in reckless manner;

(c) LCC 10.20.020, Operation of a vessel under the influence of intoxicating liquor;

(d) LCC 10.20.080 & -.020, Boating accident and casualty; duty of operator and reporting;

(e) LCC 10.20.270, Marker buoys.
[Ord. 1180 §14, 2002; Ord. 1157, 1998; Ord. 1115 § 46, 1991]

**Article V. Specific Rules for Certain
Lakes and Other Areas**

10.20.290 Mayfield Lake.

It shall be unlawful to operate a vessel in excess of eight mph or at any other speed less than eight mph which produces a damaging wake in the area known as the mouth of the Tilton River which starts at the narrow point of the channel depicting the entrance into the Tilton River and encompasses the entire area of the river to the Tilton River Falls. This provision also prohibits water skiing on the Tilton River. [Ord. 1157, 1998; Ord. 1115 § 48, 1991]

10.20.300 Mineral Lake.

(1) It shall be unlawful to operate a vessel in excess of eight mph or at any other speed less than eight mph which produces a damaging wake on Mineral Lake except in the designated water ski area by vessels towing skiers during the water skiing period defined in the following paragraph.

(2) The water ski period on Mineral Lake is defined as June 1st of that current year until the opening day of fishing season of the following year from 11:00 a.m. until one hour after sunset of each day.

(3) The designated water ski area shall be indicated by buoys placed on the lake by the Lewis County parks and recreation department and will be posted at all public access points on Mineral Lake. [Ord. 1157, 1998; Ord. 1115 § 49, 1991]

10.20.310 Walupt Lake.

It shall be unlawful to operate a vessel in excess of eight mph or at any other speed less than eight mph which produces a damaging wake on Walupt Lake. Water skiing is prohibited. [Ord. 1157, 1998; Ord. 1115 § 50, 1991]

10.20.320 Packwood Lake.

It shall be unlawful to operate a motor-operated vessel on the waters of Packwood

Lake. [Ord. 1157, 1998; Ord. 1115 § 51, 1991]

10.20.330 Carlisle Lake.

It shall be unlawful to operate a motor-operated vessel on the waters of Carlisle Lake. [Ord. 1157, 1998; Ord. 1115 § 52, 1991]

10.20.340 Lake Scanewa.

It shall be unlawful to operate a vessel in excess of eight mph or at any other speed less than eight mph which produces a damaging wake on the water of Lake Scanewa. [Ord. 1157, 1998; Ord. 1115-A, 1994; Ord. 1115 § 53, 1991]

Chapter 10.25

EMERGENCY LOAD LIMITS

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- 10.25.030 Definitions.
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- 10.25.050 Special allowance for authorized vehicles.
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- 10.25.070 Vehicle combinations.
- 10.25.080 Maximum speed permitted on posted roads.
- 10.25.090 Violation - penalty.
- 10.25.100 Action for damage.

10.25.010 Declaration of purpose.

It is hereby declared to be policy of the board of county commissioners, recognizing the close relation between climatic and other conditions and damage or destruction to county roads, to establish emergency load limitations upon county roads to become effective during such periods of inclement weather, and to establish special load limitations for school buses, motor trucks transporting perishable commodities or commodities necessary to the health and welfare of county residents, and motor vehicles providing services necessary to the health and welfare of county residents when such emergency load limitations are in effect. This chapter is adopted pursuant to the provisions of Ch. 46.44 RCW, and particularly RCW 46.44.080, as now or hereafter amended. [Ord. 1157, 1998; Ord. 1073 § 1, 1981]

10.25.020 Scope and construction of terms.

Terms used in this chapter shall have that meaning given to them in this chapter

and RCW 46.44.040, and where not defined herein shall have that meaning clearly indicated by the context in which such term is used. [Ord. 1073 § 2, 1981]

10.25.030 Definitions.

(1) "Commodity necessary for health and welfare" means a product of agriculture or manufacture which is necessary to provide essential shelter, food, and fuel to people and animals, or to provide for the economic well-being of a community at large.

(2) "Service necessary to the health and welfare" means any service provided to the public which is necessary to maintain essential power, gas, communications, garbage, sewer, and water services, and other such necessary public services, for the community at large.

(3) "Gross weight" means the total vehicle weight including load.

(4) "Perishable commodity" means a product of agriculture, aquaculture, or manufacture which by its nature is subject to destruction, decay, deterioration or spoilage except under proper conditions.

(5) "Tire width", in the case of pneumatic tires, shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon. [Ord. 1157, 1998; Ord. 1073 § 3, 1981]

10.25.040 Emergency load limitations.

(1) When in the opinion of the county engineer any county road will be seriously damaged or destroyed by reason of freeze and thawing conditions, or other inclement weather unless the operation of vehicles thereon be restricted or the permissible weight thereof be reduced, no person shall operate upon any county road, any vehicle, except an authorized emergency vehicle, with a gross weight upon any tire concentrated upon the surface of the county

road in excess of the following load limitations:

Road Restrictions			
Conventional Tires		Tubeless or Special	
Size	Gross Load	Size	Gross Load
Width Tire	Each Tire	Width Tire	Each Tire
7.00*	1800 lbs.	8-22.5*	1800 lbs.
7.50	1800 lbs.	9-22.5	1900 lbs.
8.25	1900 lbs.	10-22.5	2250 lbs.
9.00	2250 lbs.	11-22.5	2750 lbs.
10.00	2750 lbs.	11-24.5	2750 lbs.
11.00**	3000 lbs.	12-22.5**	3000 lbs.

* And Under
** And Over

(2) The emergency load limitations imposed by this section shall become effective upon the erection and maintenance by county forces of signs designating such limitations at each end of the affected portion of county road, and shall remain in full force until such signs are removed by county forces at the direction of the Lewis County engineer. [Ord. 1157, 1998; Ord. 1073 § 4, 1981]

10.25.050 Special allowance for authorized vehicles.

(1) When any emergency load limitation as defined in this chapter is in effect as to any county road, school buses, motor trucks transporting perishable commodities or commodities necessary to the health and welfare of county residents are hereby either through proclamation of general permission or by process of application for and issuance of special permits to exceed the emergency load limitation; provided, that the gross weight of such vehicle shall not exceed that amount determined by multiplying the total number of tires concentrated upon the surface of the road times the maximum allowable gross weight per tire as follows:

Road Restrictions

Conventional Tires		Tubeless or Special	
Size	Gross Load	Size	Gross Load
Width Tire	Each Tire	Width Tire	Each Tire
7.00*	1800 lbs.	8-22.5*	1800 lbs.
7.50	2000 lbs.	9-22.5	2200 lbs.
8.25	2200 lbs.	10-22.5	2600 lbs.
9.00	2600 lbs.	11-22.5	3200 lbs.
10.00	3200 lbs.	11-24.5	3200 lbs.
11.00**	3600 lbs.	12-22.5**	3600 lbs.

* And Under
** And Over

(2) Providing further, that where circumstances concerning a proposed move would constitute an undue hardship, the county engineer or his designee is authorized to issue special permits allowing such vehicle to exceed the gross weight limits of this section; such permit to specify, but not be limited to, time of movement and specific route information consistent with protecting the county roads from serious damage. [Ord. 1157, 1998; Ord. 1073 § 5, 1981]

10.25.060 General proclamation or special permits for authorized vehicles.

The county engineer or his designee is authorized to issue a general proclamation or to require special permits, at his discretion, allowing motor vehicles providing services necessary to the health and welfare of county residents to exceed the posted emergency load limitations; provided, that such general proclamation or such permits specify, but not be limited to, time of movement, and specific route information consistent with protecting the county roads from serious damage and be issued only in those instances where There has been a factual determination by the county engineer or his designee that such services are necessary to the public health and welfare. [Ord. 1157, 1998; Ord. 1073 § 6, 1981]

10.25.070 Vehicle combinations.

When computing the maximum allowable gross weight of motor vehicles during periods of emergency load limitations as provided for in LCC 10.25.050, each vehicle, whether solo or part of a vehicle combination, shall be considered separately except for semitrailers and pole trailers which may be considered as part of the towing vehicle if the load being carried by such a combination is supported equally, plus or minus 10 percent, by both the trailer and towing vehicle. [Ord. 1157, 1998; Ord. 1073 § 7, 1981]

10.25.080 Maximum speed permitted on posted roads.

Except where applicable law or regulation specifies a lower speed, no person shall operate any vehicle at a speed in excess of 35 miles per hour upon any county road posted as to its emergency load limitation. [Ord. 1157, 1998; Ord. 1073 § 8, 1981]

10.25.090 Violation - penalty.

Operation of any motor vehicle in violation of this chapter shall be subject to the monetary penalties provided for in RCW 46.44.105. [Ord. 1157, 1998; Ord. 1073 § 9, 1981]

10.25.100 Action for damage.

Any person operating a motor vehicle upon any county road in violation of any provision of this chapter shall also be liable in a civil action instituted in the name of the county, for any damage occasioned to any county road as the result of disregarding any load limitation and using such county road, or portion thereof, with any vehicle or any class of vehicle to which the same is closed. [Ord. 1157, 1998; Ord. 1073 § 10, 1981]

Chapter 10.27

COMPRESSION BRAKES PROHIBITED

Sections:

- 10.27.010 Declaration of purpose.
- 10.27.020 Scope and construction of terms.
- 10.27.030 Definitions.
- 10.27.040 Prohibited hours and areas.
- 10.27.050 Notice and posting of signs.
- 10.27.060 Violation – penalty.

10.27.010 Declaration of purpose.

It is hereby declared by board of county commissioners, that the use of compression brakes in some residential areas within the corporate limits of Lewis County disturbs the peace and quiet and disturbs the residents of the county in their rest and in the enjoyment of their property, and by reason thereof, the board of county commissioners finds that the use of such brakes in designated areas to be a public nuisance. [Ord. 1182 §2, 2003]

10.27.020 Scope and construction of terms.

Terms used in this chapter shall have that meaning given to them in this Title 46 RCW, except as expressly defined herein; and where not defined herein shall have that meaning clearly indicated by the context in which such term is used. [Ord. 1182 §2, 2003]

10.27.030 Definitions.

(1) “Brake” means any device used for slowing, halting or stopping the movement of any motor vehicle.

(2) “Compression brakes” means motor vehicle brakes which are activated or worked by the compression of the engine of the motor vehicle. [Ord. 1182 §2, 2003]

(3) “Motor vehicle” includes automobiles, tractors, trucks, trailers and

transportation equipment of all kinds and sizes or any combination or combinations of the foregoing. [Ord. 1182 §2, 2003]

10.27.040 Prohibited hours and areas.

Between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. Pacific Time, on each and every day of the year, the use of compression brakes in the following designated areas within the corporate limits of Lewis County is prohibited:

1. Gore Road from the intersection of La Due Cemetery Road westerly to its terminus at Leonard Road.

[Ord. 1182 §2, 2003]

10.27.050 Notice and posting of signs.

(1) The Lewis County Department of Public Works shall, as soon as possible following the effective date of the creation of a designated area for compression brake restrictions under LCC 10.27.040, but in any event, not more than thirty (30) days thereafter, erect signs upon all county roads approaching or entering said compression brake restriction area.

(2) The signs shall be of a size and character to be readily visible and readable, declaring that "Compression Brake Use Prohibited between hours of 10 PM and 6 AM", and referencing the County Code Chapter and briefly setting forth the penalty for violation. [Ord. 1182 §2, 2003]

10.27.060 Violation - penalty.

Violation of this section shall constitute a misdemeanor and upon conviction thereof shall be punished as provided for in RCW 9A.20.021(3). It shall not be deemed a misdemeanor if an emergency situation exists and the use of compression brakes is necessary for the protection of persons or property. [Ord. 1182 §2, 2003]

Chapter 10.30

VEHICLE IMPOUNDMENT AND REDEMPTION

Sections:

- 10.30.005 Purposes.
- 10.30.010 Definitions.
- 10.30.020 Vehicles impounded without prior notice—removal by aw enforcement officer.
- 10.30.030 Vehicles impounded after notice.
- 10.30.040 Impound procedure.
- 10.30.050 Notice of impound.
- 10.30.060 Redemption rights and hearing procedures.
- 10.30.070 Public auction of unclaimed vehicles.
- 10.30.080 Tow truck operator regulations.
- 10.30.090 Contracts for towing and storage.

10.30.005 Purposes.

(1) The Lewis County Board of Commissioners finds that the regulation of public roadways within Lewis County is necessary to protect the health and safety of the public; to this end, the Board finds that good cause exists to provide for the impoundment of motor vehicles when said vehicles present a danger to the public health and safety.

(2) The Board further adopts the legislative findings of Washington Laws of 1998, Chapter 203, section 1. [Ord. 1162A §1, 1998]

10.30.010 Definitions.

The definitions set forth in this section apply throughout this chapter:

(1) "Department" at all times refers to the Department of Licensing of the State of Washington.

(2) "Sheriff" at all times refers to the Lewis County Sheriff and shall include the Sheriff's representative.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private. This chapter applies only to public impounds

(4) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(5) "Master log" means the document or an electronic facsimile prescribed by the Sheriff in which an operator records transactions involving impounded vehicles; PROVIDED, however, that the Sheriff will prescribe the master log currently utilized by the Department of Licensing.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned and unclaimed vehicles.

(7) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(8) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(9) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(10) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(11) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in a public place for the indicated period of time. Vehicles are subject to removal when:

(a) The provisions of LCC 9.20.020 are satisfied---immediately.

(b) The provisions of LCC 9.20.030 are satisfied---24 hours. [Ord. 1162A § 2, 1998]

10.30.020 Vehicles impounded without prior notice—removal by law enforcement officer.

Whenever the driver of a vehicle is arrested within Lewis County for a violation of RCW 46.61.502 or 46.61.504 or of RCW 46.20.342 or 46.20.420, the vehicle is subject to impoundment at the direction of a law enforcement officer. In addition, such officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever the officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever the officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever the officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by an officer;

(5) Whenever the officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space

clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(7) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.005 or with a license that has been expired for ninety days or more.

Nothing in this section may derogate from the powers of law enforcement officers under the common law. For the purposes of this section, a place of safety may include the business location, within Lewis County, of a registered tow truck operator. [Ord. 1162A §3, 1998]

10.30.030 Vehicles impounded after notice

(1) If a vehicle is in violation of the time restrictions of LCC 9.20.010(11), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) A law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound.

(3) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to the Sheriff's representative.

(4) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any

way with a person or business whose main activity is authorizing the impounding of vehicles.

(5) A law enforcement officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

(a) The date and time the sticker was attached;

(b) The identity of the officer;

(c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and

(d) The address and telephone number where additional information may be obtained.

(6) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(7) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(8) For the purposes of this section a place of safety includes the business location, within Lewis County, of a registered tow truck operator. [Ord. 1162A § 4, 1998]

10.30.040 Impound procedure.

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the Sheriff.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a valid driver's license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings not claimed before the auction, with the exception of those items of personal property that are registered or titled with the department, shall be turned over to the Sheriff. Such personal belongings shall be disposed of pursuant to Chs. 63.32 or 63.40 RCW.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours. [Ord. 1162A § 5, 1998]

10.30.050 Notice of impound.

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with

the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment, pursuant to LCC 9.20.060.

(2) If the date on which a notice required by subsection (1) of this section is to be mailed falls upon a Saturday, Sunday, or a postal holiday, the notice may be mailed on the next day that is neither a Saturday, Sunday, nor a postal holiday.

(3) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed. [Ord. 1162A §6, 1998]

10.30.060 Redemption rights and hearing procedures.

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to LCC 9.20.020 or .030 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the

vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner, who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (1)(f) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the Sheriff. The Sheriff may issue a written order to release a vehicle impounded under this chapter prior to the expiration of any period of impoundment upon: (1) petition of the spouse of the driver based upon economic or personal hardship, resulting from the unavailability of the vehicle; and, (2) after consideration of the threat to public safety that may result from release of the vehicle, including, but not limited to, the driver's criminal history, driving record, license status, and access to the vehicle. The spouse receiving the released vehicle must present a valid driver's license to the Sheriff at the time such release is requested.

(c) If a vehicle is impounded because the operator is currently in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the Sheriff.

(d) If a vehicle is impounded because the operator is currently in violation of, and also has been convicted of a violation of RCW 46.20.342(1) (a) or (b)

within the past five years, the vehicle may be held at the written direction of Sheriff for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses.

(e) If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (f) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(f) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded, it must not be released to any person until the registered owner establishes with the Sheriff that any and all penalties, fines, or forfeitures owed by him or her have been satisfied. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days

from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section, or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section, shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2) (a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a permanent record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for Lewis County to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents, including the Sheriff. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing,

storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment. The Sheriff shall represent the county at the hearing before the district court. The Prosecuting Attorney's Office may represent the county in the event of appeals from judgments of the district court.

(3) (a) The court shall timely notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a public agency or official.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the

vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition, as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice.

(4) Any impounded unclaimed vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of

the notice of custody and sale, as required by LCC 9.20.050, shall be sold at public auction in accordance with all the provisions and subject to all the conditions of LCC 9.20.070. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees. [Ord. 1162A §7, 1998]

10.30.070 Public auction of unclaimed vehicles.

(1) If after the expiration of fifteen days from the date of mailing of notice of custody and sale required in LCC 9.20.050 to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle and process the vehicle in accordance with the applicable provisions and requirements of RCW 46.55.130.

(2) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund, pursuant to RCW 46.55.130(2)(h). A report identifying the vehicles resulting from any surplus shall accompany the remitted funds. If the Sheriff subsequently receives a valid claim from the registered vehicle owner of record, as determined by records of the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner.

(3) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from department records, as provided in LCC 9.20.050. The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable.

Providing incorrect or incomplete identifying information to the Sheriff in the unclaimed vehicle report shall be considered a failure to comply with these time limits if correct information is available. [Ord. 1162A §8, 1998]

10.30.080 Tow truck operator regulations.

(1) The registered tow truck operator who has a valid and signed impoundment authorization shall possess an operator's lien upon the impounded vehicle, and such other rights, responsibilities and liabilities as set forth in RCW 46.55.140.

(2) The registered tow truck operator shall keep a permanent transaction file on each vehicle, in accordance with the provisions of RCW 46.55.150, and containing both those items required for disposition of the vehicle under LCC 9.20.070 and the impoundment authorization under LCC 9.20.030.

(3) The registered tow truck operator's records, equipment, and facilities shall be subject to inspection and audit by the Sheriff in accordance with the provisions of RCW 46.55.160.

(4) Complaints involving the operation, conduct, or equipment of a registered tow truck operator shall be forwarded to the Sheriff in accordance with the provisions of RCW 46.55.170. [Ord. 1162A §9, 1998]

10.30.090 Contracts for towing and storage.

(1) The Lewis County Board of Commissioners may enter into contracts with towing contractors to provide towing and storage services on request of the Lewis County Sheriff's Office, pursuant to this chapter. Such contracts shall be at no cost to the County and shall provide that the towing contractor may recover the costs of towing and storage only from the person seeking to redeem the impounded vehicle, or from the sale of an unclaimed vehicle, pursuant to LCC 9.20.070, and that the

County shall not be responsible for payment of such costs, except upon order of the district court for Lewis County.

(2) The Commissioners may specify that towing services obtained by the County will be on a rotational basis, or other basis in specific areas of the County. The Commissioners may specify the rates that towing contractors may charge persons seeking to redeem impounded vehicles for towing and storage services provided pursuant to this chapter.

(3) Towing contractors shall be licensed and registered with the state of Washington, shall comply with the provisions of Chapter 46.55 RCW, and shall file their storage and towing rates with the Sheriff. The Sheriff shall develop relevant forms and notices and shall adopt the standards and policies necessary to carry out the provisions and intent of this chapter. [Ord. 1162A §10, 1998]